

MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK

March 23, 2005

The Board of Directors of the Flood Control District of Maricopa County, Arizona, convened in Formal Session at 9:00 a.m., March 23, 2005, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: : Max W. Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2, Fulton Brock, District 1; Andrew Kunasek, District 3, and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Manager; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain

MINUTES

Motion was made by Director Wilcox, seconded by Director Stapley, and unanimously carried (5-0) to approve minutes of meeting held February 16, 2005, February 22, 2005 and March 9, 2005.

PERSONNEL AGENDA

Motion was made by Director Wilcox, seconded by Director Stapley, and unanimously carried (5-0) to approve Flood Control District Personnel Agenda (Exhibit C). Exhibit C will be found at the end of this set of minutes.

EASEMENTS AND RIGHT-OF-WAY DOCUMENTS

Motion was made by Director Wilcox, seconded by Director Stapley, and unanimously carried (5-0) to approve easements, right-of-way documents, relocation assistance, and appraisal services contracts under \$5,000 per resolution FCD 87-12; escrow instructions per resolution FCD 87-13; license procedures and fee schedules per resolution FCD 97-02; and payment of tax notices per resolution FCD 97-07 for Flood Control purposes. (ADM1910)

Bethany Home Outfall Channel (Per Resolution FCD 98-12)

Item A002.174-IE, Non-Exclusive Ingress and Egress Easement from the Flood Control District of Maricopa County to Qwest Corporation, a Colorado corporation for the sum of \$1.00.

Floodprone Properties Voluntary Buyout (Per Resolution FCD2004R013)

Item FP005, Warranty Deed from David W. Porter and Melverda F. Porter to the Flood Control District of Maricopa County for the sum of \$186,000.00.

Item FP005, Purchase Agreement and Escrow Instructions.

Item FP008, Warranty Deed from Robert P. Trombi and Joette C. Trombi to the Flood Control District of Maricopa County for the sum of \$288,000.00.

Item FP008, Purchase Agreement and Escrow Instructions.

Item FP010, Warranty Deed from Frank Steed and Judy Lynn Steed to the Flood Control District of Maricopa County for the sum of \$275,000.00.

Item FP010, Purchase Agreement and Escrow Instructions.

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Item FP011, Warranty Deed from Linda Slaby to the Flood Control District of Maricopa County for the sum of \$330,000.00.

Item FP011, Purchase Agreement and Escrow Instructions.

Item FP012, Warranty Deed from Marie C. McGowan to the Flood Control District of Maricopa County for the sum of \$310,000.00.

Item FP012, Purchase Agreement and Escrow Instructions.

Item FP013, Warranty Deed from Jacalyn S. Maggin to the Flood Control District of Maricopa County for the sum of \$306,000.00.

Item FP013, Purchase Agreement and Escrow Instructions.

Property Management - Bethany Home Outfall Channel (Per Resolution FCD 1999R016)

Item A002.003, Non-Exclusive Underground Communication Line Easement from Flood Control District of Maricopa County to Qwest for the sum of \$600.00.

Queen Creek Wash Improvement (Per Resolution FCD 98-12)

Item A013.001, 002, 003, 004, 005, 006, 008; Warranty Deed from the Flood Control District of Maricopa County to the Town of Queen Creek for the sum of \$1.00 (per IGA FCD 2000A004).

EXTENSION TO AGREEMENT WITH FEMA FOR CTP MAPPING ACTIVITY STATEMENT #4

Motion was made by Director Wilcox, seconded by Director Stapley, and unanimously carried (5-0) to approve an extension to the ongoing Agreement FCD 2003G004, Federal Emergency Management Agency (FEMA) Cooperative Technical Partner (CTP) Mapping Activity Statement #4 - New River, to June 30, 2005. The CTP Mapping Activity Statement #4 is for the preparation of Floodplain Delineations for the Upper New River West Tributaries, within Maricopa County. The CTP Mapping Activity Statement #4 provides for a total reimbursement from FEMA of \$209,965.00, of which \$116,243.37 remains to be reimbursed in FY 2004-05. The amount of indirect cost that is recoverable is \$13,521.75. Indirect cost will be applied retroactively with FEMA using the U.S. Department of Housing and Urban Development (HUD) approved indirect cost rate of 6.44 %. (C6904047302)

IGA WITH U. S. ARMY CORPS OF ENGINEERS TO MODIFY HEC-RAS

Motion was made by Director Wilcox, seconded by Director Stapley, and unanimously carried (5-0) to approve Intergovernmental Agreement (IGA) FCD 2004A022, HEC-RAS Side Weir Customization (Project), between the Flood Control District of Maricopa County (District) and the U. S. Army Corps of Engineers (Corps). Pursuant to this IGA, the Hydrologic Engineering Center (HEC) of the Corps will modify HEC-RAS side weir modeling feature by including Hager's side weir equation for both steady state and unsteady flow equations. This feature is essential to the District for accurate and efficient design for the side weir and off-line detention basins for flood control projects. The estimated total Project cost-share for the District is \$50,000. (C6905075200)

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RESOLUTION FOR DAM SAFETY PROGRAM

Motion was made by Director Wilcox, seconded by Director Brock, and unanimously carried (5-0) to adopt Resolution FCD 2004R015, Dam Safety Program. This resolution authorizes and directs the Chief Engineer and General Manager of the Flood Control District of Maricopa County (District) to perform work inclusive of:

- Recurrent dam safety activities, structures assessment and dam rehabilitation planning and pre-design as identified in Exhibit A of the Resolution;
- To enter into negotiations for planning and engineering contracts and to award those contracts and negotiate with landowners and/or appropriate agencies to obtain all necessary rights-of-entry, for the purpose of performing dam safety investigations and monitoring activities, and
- Obtain topographic, geologic, hydrographic, and environmental data. (C6905085600) (ADM1900)

RESOLUTION FCD 2004R015

**FLOOD CONTROL DISTRICT OF MARICOPA COUNTY
FISCAL YEAR 2005-06 DAM SAFETY PROGRAM**

WHEREAS, the Flood Control District of Maricopa County (District) was established in accordance with provisions of Arizona Revised Statutes Title 48-3603 for the purpose of acquiring, constructing, maintaining, and operating flood control facilities to control waters of rivers and streams, and other surface waters to prevent the flooding of property and the endangering of lives of people of Maricopa County; and,

WHEREAS, the District operates and maintains twenty-two (22) flood control dams, which provide highly beneficial flood protection for significant portions of Maricopa County; and,

WHEREAS, the District is mandated by state and federal law to comply with dam safety regulations and the District is the primary agency responsible for the safe and proper operation of its 22 flood control dams; and,

WHEREAS, the District has determined a need to fully continue and implement a Dam Safety Program inclusive of primary components of: Recurrent Dam Safety Activities, Structures Assessment and Dam Rehabilitation in order to meet the District's dam safety responsibilities; and,

WHEREAS, Resolution FCD 2004R008 authorized the District on October 20, 2004 (C-69-05-046-6-00) to negotiate an agreement for cooperative development and cost sharing of the City of Phoenix Dam Safety Program; and,

WHEREAS, the District has identified the Dam Safety Program, with components of Recurrent Dam Safety Activities, Structures Assessment and Dam Rehabilitation, to be continued or initiated during Fiscal Year 2005-06, as shown on Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Flood Control District of Maricopa County (Board) authorizes and directs the Chief Engineer and General Manager of the District

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to include funding in the amount of \$3,180,000 in the District's Fiscal Year 2005-06 Budget; negotiate technical service contracts for the Dam Safety Program work inclusive of: Recurrent Dam Safety Activities, Structures Assessment and Dam Rehabilitation contracts as shown on Exhibit "A", made a part hereof; and to award those contracts, subject to the ratification and approval of the Board of Directors; and,

BE IT FURTHER RESOLVED that the Chief Engineer and General Manager of the District is authorized and directed to negotiate with landowners and/or appropriate agencies to obtain all necessary rights-of-entry, for the purpose of performing dam safety investigation and dam safety monitoring activities, and for the purpose of obtaining topographic, geologic, hydrographic, and environmental data for the Dam Safety Program work.

DATED this 23rd day of March 2005.

/s/ Max W. Wilson, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

RESOLUTION FOR FLOODPLAIN DELINEATION PROGRAM

Motion was made by Director Wilcox, seconded by Director Brock, and unanimously carried (5-0) to adopt Resolution FCD 2004R017, Floodplain Delineation Program. This Resolution authorizes and directs the Chief Engineer and General Manager of the Flood Control District of Maricopa County (District) to negotiate and prepare technical service contracts for the new floodplain delineation studies. This Resolution authorizes the Chief Engineer and General Manager of the District to negotiate with landowners and/or appropriate agencies to obtain all necessary rights-of-entry, for the purpose of obtaining topographic, hydrographic, and surveying data for the Floodplain Delineation Program studies. This Resolution further authorizes a total budget for the Floodplain Delineation Program for FY 2005-06 in the amount of \$1,487,000. The District recommends that the Floodplain Delineation Program budget for FY 2005-06 be \$1,487,000.00, which includes the cost for three new studies. The following floodplain delineation studies started in the FY 2005-06 include:

- Lower Painted Rock Watershed Zone A Delineation - 235 river miles
- Wittmann Area Zone AE Delineation - 30 river miles
- Sentinel Watershed Zone A Delineation - 50 river miles
(C6905086600) (ADM1913)

**RESOLUTION FCD 2004R017
FISCAL YEAR 2005/2006 FLOODPLAIN DELINEATION PROGRAM
FISCAL YEAR 2005/2006**

WHEREAS, the Flood Control District of Maricopa County (District) was established in accordance with provisions of Arizona Revised Statutes Title 48 for the purpose of acquiring, constructing, maintaining, and operating flood control facilities to control waters of rivers and streams, and other surface waters to prevent the flooding of property and the endangering of lives of people; and,

WHEREAS, under Arizona Revised Statutes 48-3609.A., the Board of Directors of a Flood Control District (Board) is required to delineate floodplains within its area of jurisdiction; and,

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WHEREAS, the District's Floodplain Delineation Program delineates 100-year Federal Emergency Management Agency (FEMA) floodplains, which are used, in conjunction with the County's Floodplain Regulations, in the regulation of development; and,

WHEREAS, the District's floodplain delineation studies provide valuable storm water runoff information, used by the County's Floodplain Manager, by the Floodplain Managers of the municipalities within the County, and by private sector interests; and,

WHEREAS, Maricopa County is one the fastest growing counties in the country, where development is occurring in predominantly rural areas, for which flood hazards have not been identified. A goal of the District is to delineate flood hazard areas prior to development occurring; and,

WHEREAS, the District has identified needed floodplain delineation studies to be continued or initiated during FY 2005/06, as shown on Exhibits "A" (Table) and "B" (Map).

NOW, THEREFORE, BE IT RESOLVED that the Board authorizes and directs the Chief Engineer and General Manager of the District to negotiate and prepare technical service contracts for the floodplain delineation studies shown on Exhibits "A" and "B", made a part hereof, and to award those contracts subject to the ratification and approval of the Board of Directors, with the total FY 2005/06 expenditures amount estimated to be \$1,487,000. The \$1,487,000 is subject to the Board's approval of funding for the District's FY 2005/06 Budget; and,

BE IT FURTHER RESOLVED that the Chief Engineer and General Manager of the District is authorized and directed to negotiate with landowners and/or appropriate agencies to obtain all necessary rights-of-entry, for the purpose of obtaining topographic, hydrographic, and surveying data for the Flood Delineation Program studies.

DATED this 23rd day of March 2005

/s/ Max W. Wilson, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Attachments: Exhibits A & B are on file in the Clerk of the Board's Office.

IGA FOR FLOOD DISTRICT'S PARTICIPATION IN MARICOPA COUNTY'S SELF INSURED PROGRAM

Motion was made by Director Wilcox, seconded by Director Brock, and unanimously carried (5-0) to approve and authorize the Chairman to sign an Intergovernmental Agreement (IGA) FCD 2005A002 between the Flood District of Maricopa County (District) and Maricopa County, whereby the county agrees with the District's participation in Maricopa County's Self Insured Program. (C6905095200)

IGA WITH TOWN OF QUEEN CREEK AND TOWN OF GILBERT FOR SONOQUI WASH CHANNELIZATION PROJECT

Motion was made by Director Wilcox, seconded by Director Brock, and unanimously carried (5-0) to approve the Intergovernmental Agreement (IGA) FCD 2004A015 among Flood Control District of Maricopa County (District), the Town of Queen Creek (Queen Creek) and the Town of Gilbert (Gilbert) hereinafter

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identified as the Project Partners for the utility relocations, rights-of-way acquisition, 404 permit, construction, construction management, and operation and maintenance of the Sonoqui Wash Channelization Project from Queen Creek Wash to Chandler Heights Road (#480). The total estimated Project cost for utility relocations, rights-of-way acquisition, 404 permit, construction, and construction management is \$10,000,000. The District will serve as lead agency, and Queen Creek and Gilbert will be responsible for certain rights-of-way acquisitions and the 404-mitigation, the cost of which is estimated to be \$1,080,000, making the District's estimated direct initial expenses \$8,920,000. Queen Creek and Gilbert will reimburse the District an estimated amount of \$3,920,000 that is net of a \$500,000 credit to the towns for the District's share of the rights-of-way acquisition cost. Queen Creek and Gilbert will reimburse each other for a portion of the rights-of-way and 404 mitigation costs estimated at \$580,000. The overall cost share percentage is as follows: District 50%, Gilbert 20%, and Queen Creek 30% of total Project cost. (C6905100200)

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Max W. Wilson, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board